

REMARKS

The Applicant respectfully requests reconsideration of the pending claims of the instant application in view of the foregoing amendments and the following remarks. Claims 1-66, 68, 70 and 71 are withdrawn from consideration and claims 80-84 have been added. As such, claims 1-71 and 80-84 are currently pending.

Prior to discussing the merits of the present application, the undersigned would like to address two preliminary matters. First, the Applicant hereby states that they are now subject to fees under large entity status. At the time the present application was filed, the Applicant was only subject to fees under small entity status. However, the entity status has changed to large entity during the course of prosecution. Second, on several occasions, the Attorneys of record have requested a corrected Filing Receipt to correct a misspelled word in the title from "condidates" to "candidates." On May 5, 2002 and April 23, 2003 the undersigned received filing receipts which both retained the incorrect spelling. As such, the undersigned respectfully requests that a corrected Filing Receipt be issued with the indicated changes. The corrected Filing Receipt can be sent to the undersigned attorney.

The specification has been amended to comply with several informalities cited by the Examiner. In particular, a paragraph was added at the beginning of the specification to accurately reflect the status of the claim for priority. Further, the hyperlinks embedded within the specification have been deleted. With regard to the Examiner's point 7 (iii), the nature of the tradenames have been identified and information added to clearly reflect the propriety nature of the marks. Additionally, with regard to point 7 (iv), the full citation has been added for each published references found in the specification or where such information is not available, the reference has been deleted. Finally, in response to point 7 (v), the specification has been amended to clearly title each section of the application to comply with the guidelines set forth in the Office Action.

The Examiner has rejected claim 67 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Claim 67, as amended, recites a T-cell-stimulating

meningococccal polypeptide for use in a vaccine against a neisserial disease where the T-cell-stimulating polypeptide comprises an isolated polypeptide with the amino acid sequence as shown in SEQIDNO2. The claim has been amended to add the phrase "an isolated" to indicate the hand of man as proposed by the Office Action. As such, it is respectfully requested that this rejection be withdrawn.

The Examiner has also rejected claims 67 and 69 under 35 U.S.C. § 112 first paragraph. Claim 69, as amended, recites a method of inducing T-cell proliferation for use in the treatment of a neisserial disease where the method includes the step of inducing T-cell proliferation with an isolated polypeptide comprising the amino acid sequences shown in SEQIDNO2. The Examiner rejected to the use of the phrase "derivatives thereof" and/or "some... of the amino acid sequence as shown in SEQ ID NO: 2." As such, these notations were deleted from the claims which now alleviates the rejection. It is respectfully requested that the rejection of the claims be withdrawn.

The Examiner further states that the specification is not enabling for a vaccine comprising the same or an active derivative thereof of the polypeptide of SEQ ID NO 2 and a method of treatment of a neisserial disease comprising induction of T-cell proliferation with the polypeptide having SEQ ID NO 2 as set forth in point 11 of the Office Action. Claim 67 has been amended and is now directed to a T-cell-stimulating meningococccal polypeptide for use in a vaccine against a neisserial disease which is stated in the Office Action as being enabled. Further, claim 69 has been amended to recite a method of inducing T-cell proliferation for use in the treatment of a neisserial disease. The Examiner states that the process of practicing the method of claim 69 is not described. However, claim 69, as amended, is directed to a method of inducing T-cell proliferation for use in the treatment of a neisserial disease. One of ordinary skill in the art upon reading the accompanying disclosure could ascertain how to induce T-cell proliferation with an isolated polypeptide comprising the amino acid sequences shown in SEQIDNO2. In view of the disclosure, there would be no undue experimentation by one of ordinary skill in the art to use an isolated polypeptide having the amino acid sequence of SEQ ID NO 2 to induce T-cell proliferation. Further, one of ordinary skill in the art would have the knowledge of how to administer the amino acid sequence to induce T-cell proliferation. As such, the claims are definite and withdrawal of the rejection is respectfully requested.

The claims have further been rejected under 35 U.S.C. § 112, second paragraph. The claims have been amended to comply with the suggestions set forth in the Examiner's points 12 and 13 (a-c). With regard to point 13 (d), as stated above, one of ordinary skill in the art could ascertain the specifics to induce T-cell proliferation upon reading of the present disclosure. As such, withdrawal of the rejections of claim 67 and 69 under § 112, second paragraph is respectfully requested.

The Examiner has further rejected the claims under 35 U.S.C. § 102 as being anticipated by Seid et al. (WO 90/06696). The Examiner states that Seid discloses the peptide GLAG which is likewise found at positions 578-581 of the present SEQ ID NO: 2 and constitutes some of the amino acid sequence of SEQ ID NO: 2. However, claim 67 and claim 69 have been amended to remove the reference to "some or all of" or an "active derivative" of the sequence shown in SEQ ID NO: 2. As such, Seid does not fully disclose the present claimed sequence and does not anticipate either of claim 67 or claim 69. Withdrawal of the rejection is respectfully requested.

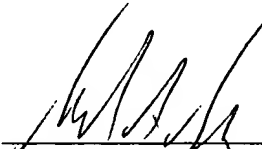
Claims 80-84 have been added to the present application. The Applicant believes that the newly added claims are patentable over the cited reference. As such, claims 80-84 are in condition for allowance.

Finally, the Examiner has objected to claim 69 as including non-elected subject matter. Claim 69 has been amended to delete the reference to SEQ ID NO: 4. Further, claims 67 and 69 have been amended to correct the reference to SEQ ID NO: 2.

In view of the foregoing, claims 67, 69 and 80-84 are now in condition for allowance. As such, a favorable response to this Amendment in the form of a Notice of Allowance is hereby solicited.

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Respectfully submitted,



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